

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ILLUMINATION DYNAMICS CO., LTD., a
foreign company,

Plaintiff,

vs.

PACIFIC LIGHTING SOLUTIONS L.L.C.,
and BILL ZHANG, an individual,

Defendants.

Case No: C 14-0078 SBA

ORDER RE RELEASE OF FUNDS

This is a breach of contract action brought by Plaintiff Illumination Dynamics (“Plaintiff”) against Defendants Pacific Lighting Solutions L.L.C. (“PLS”) and Bill Zhang. On or about March 21, 2014, non-party Menard, Inc. (“Menard”) deposited the sum of \$183,504.60 (“Funds”) with the Court, pursuant to a Writ of Attachment (“Writ”) issued by a Magistrate Judge Spero. Dkt. 16, 78. The Court subsequently vacated the Writ on August 18, 2014. Dkt. 69.

On or about June 18, 2015, the Court received a letter from Todd Lemanski, Menard’s in-house counsel, requesting the return of the Funds. Because the letter was simply mailed to the Court, the Court Clerk contacted Menard’s counsel with instructions to e-file the request. Counsel failed to do so. Nonetheless, because there appeared to be no legal basis for the continued retention of the Funds, the Court issued an Order on July 7, 2015, directing the parties to show cause by the Funds should not be released to Menard. Dkt. 93.

Plaintiff and PLS have timely responded to the order to show cause. Dkt. 94, 95. PLS contends that in view of the Court’s order vacating the Writ, the Funds should be released and returned to Menard. In contrast, Plaintiff requests that the Court maintain

1 possession of the Funds until after the mandatory settlement conference scheduled for July
2 23, 2015. Plaintiff claims that retaining the Funds will facilitate settlement. In addition,
3 Plaintiff asserts that Magistrate Judge Spero's prior order granting the Writ necessarily
4 shows the "probable validity" of its claims against Defendants. However, even if Plaintiff
5 is correct, the fact remains that no legal basis has been presented to the Court to justify its
6 continued retention of the Funds. Accordingly,


7 IT IS HEREBY ORDERED THAT:

8 1. The Clerk shall return to Menard the sum of \$183,504.60, previously received
9 by the Court on March 21, 2014. A check in said amount shall be made payable to
10 "Menard, Inc.," and mailed to: Menard, Inc., c/o Todd Lemanski, 5101 Menard Dr., Eau
11 Claire, WI 54703-9625. The Clerk shall include a copy of this Order along with the check
12 to Menard.

13 2. The letter submitted to the Court by Menard, dated June 8, 2015, shall be e-
14 filed and docketed by the Clerk.

15 IT IS SO ORDERED.

16 Dated: 7/15/15


SAUNDRA BROWN ARMSTRONG
United States District Judge